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ATTORNEYS FOR SANTANDER CONSUMER USA, INC.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

IN RE: §
§
LINDA ABBUD, § CASE NO. 23-31440-SWE-7
DEBTOR §

SANTANDER CONSUMER USA, INC.'S RESPONSE TO
DEBTOR'S MOTION FOR SANCTIONS

TO THE HONORABLE DALLAS, U.S. BANKRUPTCY JUDGE:

COMES NOW, Santander Consumer USA, Inc. ("Santander") and files this its Response to Debtor's Motion for Sanctions filed by Linda Abbud ("Debtor") and for same would respectfully show the Court as follows:

1. Santander denies the allegations contained in Debtor's Motion as stated herein.
2. Santander did not fraudulently present any false claim against the estate of the Debtor. Santander acted properly within the bounds of the law and the Bankruptcy Code throughout this bankruptcy proceeding. Santander acted properly throughout this bankruptcy proceeding despite the Debtor's failure and refusal to properly perform her duties under the Bankruptcy Code and to abide by the Orders of this Court. Santander strenuously denies any alleged criminal conduct and Debtor's allegations are frankly libelous and should not be countenanced by this Court.
3. Debtor accuses Stephen Wilcox, attorney for Santander, of lying to the Court regarding the status of Debtor's vehicle: specifically, that he did not disclose at the hearing before this Court on October 26, 2023 that Santander had sold the vehicle at issue on October 17, 2023. Debtor misrepresents to the Court that Santander sold the vehicle on October 17, 2023. The vehicle was not sold on October 17, 2023. As the very DMV title history submitted by the Debtor to the Court in support of her Motion shows, Santander requested a certified copy of the Title from the DMV on October 17, 2023. The vehicle was not actually sold until December 6, 2023, as referenced by the Bill of Sale attached hereto as Exhibit "A" and incorporated herein fully by reference. At that point, the stay had been terminated as the Court informed the Debtor prior to that date for failure of

the Debtor to deliver payment as ordered by the Court directly to Wilcox Law, PLLC, on or before 5:00 p.m. on November 2, 2023, per the terms of the Court entered 4th Interim Order. Therefore, the automatic stay had terminated when the vehicle was sold on December 6, 2023.

4. Accusing Santander of criminal conduct is libel, *per se*. Counsel for Santander is willing to give the Debtor the benefit of the doubt that she simply does not understand the very title history she has presented to the Court and that she will withdraw such allegations immediately.

WHEREFORE, PREMISES CONSIDERED, Santander Consumer USA, Inc. prays for and Order of this Court:

1. Denying the Debtor's Motion for Sanctions; and
2. For such other and further relief, both general and specific, to which Santander Consumer USA, Inc. may show itself justly entitled.

Respectfully submitted,

/s/ Stephen G. Wilcox

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ATTORNEY FOR SANTANDER

CONSUMER USA, INC.

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Response has been served by FIRST CLASS MAIL, POSTAGE PRE-PAID on:

Linda Abbud
18731 Tall Oak Drive
Dallas, TX 75287

and by ELECTRONIC FILING on:

Jeffrey Mims
Founders Square
900 Jackson St., Suite 560
Dallas, TX 75202

Office of the U.S. Trustee
110 N. College Ave., Suite 300
Tyler, TX 75702

on August 30, 2024.

/s/ Stephen G. Wilcox

Stephen G. Wilcox